

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61757 of 2018

Arising Out of PS. Case No.-119 Year-2018 Thana- PAHARPUR District- East Champaran

1. Vinod Sahani @ Mahang Sahani, S/o Sudama Sahani,
2. Sudama Sahani, S/o Late Jai Govind Sahani,
3. Lalmuni Devi, W/o Sudama Sahani, All are resident of Village- Majharia, P.S.- Malahi, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-10-2018 Heard learned counsels for the petitioners and learned
APP for the State.

It is submitted by the learned counsel for the petitioners that petitioner no.2, Sudama Sahani, has been arrested, hence application with regard to petitioner no.2 has become infructuous.

Accordingly, the application with regard to petitioner no.2 is disposed of as infructuous.

The petitioner nos. 1 and 3 are apprehending arrest in a case registered for the offences punishable under Sections 147, 341, 323, 324, 325, 307, 380, 447 and 504 of the IPC.

The prosecution case, as per the written report of Pannalal Sahani, submitted to S.H.O. Paharpur (Mahali) on 17.05.2018,



is to the effect that on the same day at about 7 A.M., the informant Pannalal Sahani was sitting at his door, in the meantime, all the accused persons including the petitioner came variously armed and started abusing the informant and on protest being made, petitioner no.1, Vinod Sahani strangled his neck with the intention to kill him. On alarm being raised, when the father of the informant came to rescue him then on the order of petitioner no.2, Sudama Sahani, petitioner no.1, Vinod Sahani assaulted with Farsa causing bleeding injury on the head of the father of the informant and when Bhola Sahani came to rescue then co-accused Chandrashekhar Sahani assaulted him with an iron rod and petitioner no.3 Lalmuni Devi assaulted him on the neck with an axe. It is also alleged that co-accused Mister Sahani and Lokesh Sahani snatched Rs.25,000/- and ornament worth Rs. 45,000/- from the box.

It is submitted by the learned counsel for the petitioners that in the background of a serious land dispute, accusation has been levelled. There is specific accusation against the petitioner no.1, Vinod Sahani to have assaulted the father of the informant with Farsa, but the injury of the father of the informant on his head has been found to be simple in nature caused by hard and blunt substance. Lalmuni Devi, petitioner no.3, alleged to have



assaulted with an axe on the neck of Bhola Sahani but that injury has also been found to be simple in nature caused by hard and blunt substance. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is specific accusation against the petitioners.

Considering the fact that the accusation is not being corroborated by the medical opinion coupled with the statement made in paragraph no. 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioner nos. 1 and 3 be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned **C.J.M., East Champaran, Motihari**, in connection with **Paharpur (Malahi) P.S. Case No.119 of 2018** subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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